

(3) \* \* \*

(viii) Any nonimmigrant admitted pursuant to the Guam-CNMI Visa Waiver Program, as provided in section 212(l) of the Act.

\* \* \* \* \*

## PART 215—CONTROLS OF ALIENS DEPARTING FROM THE UNITED STATES

■ 7. The general authority citation for part 215 is revised to read as follows:

**Authority:** 8 U.S.C. 1101; 1104; 1184; 1185 (pursuant to Executive Order 13323, published January 2, 2004); 1365a note. 1379, 1731–32.

■ 8. Section 215.1 is revised by amending paragraphs (e), (g), and (j) to read as follows:

### § 215.1 Definitions.

\* \* \* \* \*

(e) The term *United States* means the several States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, Swains Island, the Commonwealth of the Northern Mariana Islands (beginning June 1, 2009), and all other territory and waters, continental and insular, subject to the jurisdiction of the United States.

\* \* \* \* \*

(g) The term *geographical part of the United States* means:

- (1) The continental United States,
- (2) Alaska,
- (3) Hawaii,
- (4) Puerto Rico,
- (5) The Virgin Islands,
- (6) Guam,
- (7) American Samoa,
- (8) Swains Island, or
- (9) The Commonwealth of the Northern Mariana Islands (beginning June 1, 2009).

\* \* \* \* \*

(j) The term *port of departure* means a port in the continental United States, Alaska, Guam, Hawaii, Puerto Rico, the Commonwealth of the Northern Mariana Islands (beginning June 1, 2009), or the Virgin Islands, designated as a port of entry by the Secretary, or in exceptional circumstances such other place as the departure-control officer may, in his discretion, designate in an individual case, or a port in American Samoa, or Swains Island, designated as a port of entry by the chief executive officer thereof.

\* \* \* \* \*

## PART 233—CONTRACTS WITH TRANSPORTATION LINES

■ 9. The authority for part 233 is revised to read as follows:

**Authority:** 8 U.S.C. 1101, 1103, 1182, 1221, 1228, 1229, 8 CFR part 2.

■ 10. Add § 233.6 to read as follows:

### § 233.6 Aliens entering Guam or the Commonwealth of the Northern Mariana Islands pursuant to Title VII of Public Law 110–229, “Consolidated Natural Resources Act of 2008.”

A transportation line bringing aliens to Guam or the Commonwealth of the Northern Mariana Islands under the visa waiver provisions of § 212.1(q) of this chapter must enter into an agreement on CBP Form I–760. Such agreements must be negotiated directly by Customs and Border Protection and head offices of the transportation lines.

## PART 235—INSPECTION OF PERSONS APPLYING FOR ADMISSION

■ 11. The authority for Part 235 continues to read as follows:

**Authority:** 8 U.S.C. 1101 and note, 1103, 1183, 1185 (pursuant to E.O. 13323, published January 2, 2004), 1201, 1224, 1225, 1226, 1228, 1365a note, 1379, 1731–32; 8 U.S.C. 1185 note (section 7209 of Pub. L. 108–458).

■ 12. Section 235.5(a) is revised to read as follows:

### § 235.5 Preinspection.

(a) *In United States territories and possessions.* In the case of any aircraft proceeding from Guam, the Commonwealth of the Northern Mariana Islands (beginning June 1, 2009), Puerto Rico, or the United States Virgin Islands destined directly and without touching at a foreign port or place, to any other of such places, or to one of the States of the United States or the District of Columbia, the examination of the passengers and crew required by the Act may be made prior to the departure of the aircraft, and in such event, final determination of admissibility will be made immediately prior to such departure. The examination will be conducted in accordance with sections 232, 235, and 240 of the Act and 8 CFR parts 235 and 240. If it appears to the immigration officer that any person in the United States being examined under this section is prima facie removable from the United States, further action with respect to his or her examination will be deferred and further proceedings regarding removability conducted as provided in section 240 of the Act and 8 CFR part 240. When the foregoing inspection procedure is applied to any aircraft, persons examined and found admissible will be placed aboard the aircraft, or kept at the airport separate and apart from the general public until they are permitted to board the aircraft. No other person will be permitted to depart on such aircraft until and unless

he or she is found to be admissible as provided in this section.

\* \* \* \* \*

## 19 CFR Chapter 1—Amendments

## PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

■ 13. The general authority for part 4 continues, and the specific authority citation for § 4.7b is revised to read as follows:

**Authority:** 5 U.S.C. 301; 19 U.S.C. 66; 1431, 1433, 1434, 1624, 2071 note; 46 U.S.C. App. 3, 91.

\* \* \* \* \*

Section 4.7b also issued under 8 U.S.C. 1101, 1221;

\* \* \* \* \*

■ 14. In § 4.7b(a), the definition of “United States” is revised to read as follows:

### § 4.7b Electronic passenger and crew arrival manifests.

(a) \* \* \*

*United States.* “United States” means the continental United States, Alaska, Hawaii, Puerto Rico, Guam, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands (beginning June 1, 2009).

\* \* \* \* \*

## PART 122—AIR COMMERCE REGULATIONS

■ 15. The general authority for part 122 continues, and the specific authority citation for § 122.49a is revised to read as follows:

**Authority:** 5 U.S.C. 301; 19 U.S.C. 58b, 66, 1431, 1433, 1436, 1448, 1459, 1590, 1594, 1623, 1624, 1644, 1644a, 2071 note.

\* \* \* \* \*

Section 122.49a also issued under 8 U.S.C. 1101, 1221, 19 U.S.C. 1431, 49 U.S.C. 44909.

\* \* \* \* \*

■ 16. In § 122.49a(a), the definition of “United States” is revised to read as follows:

### § 122.49a Electronic manifest requirement for passengers onboard commercial aircraft arriving in the United States.

(a) \* \* \*

*United States.* “United States” means the continental United States, Alaska, Hawaii, Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands (beginning June 1, 2009), and the Virgin Islands of the United States.

\* \* \* \* \*

**Paul A. Schneider,**  
Deputy Secretary.

[FR Doc. E9–942 Filed 1–15–09; 8:45 am]

**BILLING CODE 9111–14–P**

**DEPARTMENT OF HOMELAND SECURITY****8 CFR Parts 204, 214 and 215**

[CIS No. 2432-07; DHS Docket No. USCIS-2007-0058]

RIN 1615-AB67

**Changes to Requirements Affecting H-2B Nonimmigrants and Their Employers; Correction****AGENCY:** U.S. Citizenship and Immigration Services, DHS.**ACTION:** Final rule; correction.

**SUMMARY:** With this amendment, the Department of Homeland Security (DHS) corrects an inadvertent error that was made to the Final Rule titled “Changes to Requirements Affecting H-2B Nonimmigrants and Their Employers” that was published in the **Federal Register** on December 19, 2008, at 73 FR 78104.

**DATES:** This rule is effective January 18, 2009.

**FOR FURTHER INFORMATION CONTACT:** Hiroko Witherow, Business and Trade Services Division, Service Center Operations, U.S. Citizenship and Immigration Services, Department of Homeland Security, 20 Massachusetts Avenue, NW., Second Floor, Washington, DC 20529-2140, telephone (202) 272-9135.

**SUPPLEMENTARY INFORMATION:****Need for Correction**

On December 19, 2008, the Department of Homeland Security published a final rule in the **Federal Register** at 73 FR 78104 changing requirements affecting H-2B nonimmigrants and their employers. At 8 CFR 214.2, DHS inadvertently:

- Stated in amendment 5.aa that a new sentence would be added at the end of paragraph (h)(11)(i)(A) instead of saying that the last sentence of the paragraph was being revised;
- Omitted a period after the paragraph heading for paragraph (h)(6)(C); and
- Ended the sentence in paragraph (h)(11)(iii)(A)(2) with a “:” instead of a “;”.

**Correction of Publication**

■ Accordingly, the publication on December 19, 2008, at 73 FR 78104 of the interim final rule that was the subject of FR Doc. E8-30094 is corrected as follows:

**PART 214—NONIMMIGRANT CLASSES****§ 214.2 [Corrected]**

- 1. On page 78127, third column, amendment 5.aa., revise the amendatory language from “Adding a new sentence to the end of paragraph (h)(11)(i)(A)” to “Revising the last sentence of paragraph (h)(11)(i)(A)”.
- 2. On page 78128, second column, add a period immediately after the word “revocation” in the heading to paragraph (h)(6)(C).
- 3. On page 78130, in the second column, at the end of paragraph (h)(11)(iii)(A)(2), revise “: or” to read “; or”.

Dated: January 13, 2009.

**Michael Aytes,***Acting Deputy Director, U.S. Citizenship and Immigration Services.*

[FR Doc. E9-910 Filed 1-15-09; 8:45 am]

**BILLING CODE 9111-97-P****DEPARTMENT OF HOMELAND SECURITY****8 CFR Part 235**

[DHS-2005-0037]

RIN 1601-AA35; RIN 1600-AA00

**United States Visitor and Immigrant Status Indicator Technology Program (“US-VISIT”); Enrollment of Additional Aliens in US-VISIT; Authority To Collect Biometric Data from Additional Travelers and Expansion to the 50 Most Highly Trafficked Land Border Ports of Entry****AGENCY:** National Protection and Programs Directorate, DHS.**ACTION:** Final rule; correction.

**SUMMARY:** This document contains corrections to the final rule which was published in the **Federal Register** on December 19, 2008, 73 FR 77473. The pertinent regulations relate to the collection of biometric identifiers during the inspection of aliens at United States ports of entry.

**DATES:** Effective on January 18, 2009.

**FOR FURTHER INFORMATION, CONTACT:** Helen deThomas, Senior Policy Analyst, US-VISIT, Department of Homeland Security, 1616 Fort Myer Drive, 18th Floor, Arlington, Virginia 22209, (202) 298-5200.

**SUPPLEMENTARY INFORMATION:** On December 19, 2008, the Department of Homeland Security (DHS) published a final rule amending 8 CFR 235.1(f)(1)(ii) to expand the population of aliens subject to US-VISIT requirements to include, among others, lawful

permanent residents. That final rule becomes effective January 18, 2009. 73 FR 77473.

As discussed in the preamble to the final rule, DHS will require additional aliens to provide fingerprints “at the time of inspection” at the United States border ports of entry, including lawful permanent residents. 73 FR at 77474-75.

As discussed in the preamble to the final rule,

LPRs are still subject to entry, documentation, and removability requirements to the United States. LPRs are aliens. See sections 101, 212, 237 of the INA (8 U.S.C. 1101, 1182, 1227) and 8 CFR 235.1(b), (f)(1)(i). Although LPRs are not technically regarded as seeking admission to the United States if they are returning from a stay of less than 180 days under section 101(a)(13)(C)(ii) of the INA (8 U.S.C. 1101(a)(13)(C)(ii)), they remain subject to the admissibility requirements of section 212 of the INA (8 U.S.C. 1182) because of their status as an alien and not a United States citizen. Accordingly, DHS must determine whether an LPR is admissible to the United States whenever the LPR arrives at a port of entry, as well as determine whether an LPR is removable from the United States based on intervening facts since the time LPR status was granted, and initial background checks conducted, which may have been many years ago.

73 FR at 77475.

Through technical drafting oversight, DHS did not amend the regulatory text of section 235.1(f)(1)(ii) in the final rule to remove references to aliens seeking admission. This correction is intended to ensure that the regulatory language mirrors the intent of the preamble—that DHS may require lawful permanent residents to provide biometrics in order to determine, among other things, that alien’s identity and whether he or she has properly maintained his or her permanent resident status while in the United States.

Accordingly, in FR Doc. E8-30095, published on December 19, 2008, make the following correction. On page 77491, in the second column, revise the regulatory text under instruction 4 to read:

**§ 235.1 Scope of examination.**

\* \* \* \* \*

(f) \* \* \*

(1) \* \* \*

(ii) The Secretary of Homeland Security or his designee may require any alien, other than aliens exempted under paragraph (iv) of this section or Canadian citizens under section 101(a)(15)(B) of the Act who are not otherwise required to present a visa or be issued Form I-94 or Form I-95 for admission or parole into the United